



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/629,524 | 08/01/2000 | Darrell L. Metz | 8266-0371 | 7337 |

25267 7590 11/05/2002
BOSE MCKINNEY & EVANS LLP
135 N PENNSYLVANIA ST
SUITE 2700
INDIANAPOLIS, IN 46204

| | |
|---------------|--------------|
| EXAMINER | |
| CHAN, KO HUNG | |
| ART UNIT | PAPER NUMBER |

3632
DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/629,524 | METZ ET AL. |
| | Examiner | Art Unit |
| | Korie H. Chan | 3632 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 15 October 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-53,55-57 and 83-87 is/are pending in the application.

4a) Of the above claim(s) 83-87 is/are withdrawn from consideration.

5) Claim(s) 1-8 is/are allowed.

6) Claim(s) 9-53,55-57 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

| | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. . | 6) <input type="checkbox"/> Other: _____ . |

After further reconsideration of the Cohen'023, a reference of record which is cited in the first Office Action, the finality of the rejection of the last Office action is withdrawn.

Claims 83-87 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made by original presentation (see previous Office Action).

Claim Rejections - 35 USC § 112

Claims 27 and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 27 lines 10-11 recites first and second positions as "permitting blocking" or "blocking permitting" which is vague and appears to be inadvertent error.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-24 and 38-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Cohen (3,588,023). Cohen discloses support assembly comprising a telescoping assembly having an adjustment pole (18) with a hook (24, fig. 1), a base pole (16) receiving the adjustment pole, a locking member having a housing (30), a locking plate (50) with a continuous aperture for locking the adjustment pole 18, the locking plate biased into a lock position via (40), the housing has a groove (between 31 and 40) for

pivots receiving an end of the locking plate (51), a release (44) configured to slide in the housing, wherein, the lock member configured to pivot about a pivot axis between a first position or first angle, permitting movement in first and second directions, and a second position or second angle permitting movement in the second direction to elongate but blocking movement in the first direction of shortening the telescoping assembly, wherein the first and second angle are not equal. Further, a lengthening force can be applied to the adjustment pole to lengthen the pole (Column 3).

Claims 25-30, and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by MacKnight (Re. 24,290). MacKnight discloses a telescoping assembly having an adjustment pole (37), a base pole (13) receiving the adjustment pole, a locking member having a housing (45), a locking plate (51) with a continuous aperture for locking the adjustment pole, the locking plate biased into a lock position via spring (57), the housing has a groove (between 53 and 55) for pivotally receiving an end of the locking plate (51), a release (61) having first position and second position and contacting the spring wherein the spring urge the release to the second position, wherein the release has a notch (the corner space of the L-shaped lower portion of release 59 constitute the notch) for receiving an end of the lock plate (51); wherein the lock member configured to pivot about a pivot axis between a first position permitting movement and a second position blocking movement.

Claim Rejections - 35 USC § 103

Claims 31-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Toder'074. Cohen discloses support assembly comprising a

telescoping assembly having an adjustment pole (18) with a hook (24, fig. 1), a base pole (16) receiving the adjustment pole, a locking member having a housing (30), a locking plate (50) with a continuous aperture for locking the adjustment pole 18, the locking plate biased into a lock position via (40), the housing has a groove (between 31 and 40) for pivotally receiving an end of the locking plate (51), a release (44) configured to slide in the housing, wherein, the lock member configured to pivot about a pivot axis between a first position, permitting movement in first and second directions, and a second position permitting movement in the second direction to elongate but blocking movement in the first direction of shortening the telescoping assembly, further, a lengthening force can be applied to the adjustment pole to lengthen the pole (Column 3). However, Cohen does not disclose the various parts of the telescoping assembly is of corrosion resistant material. Toder'074 teaches a telescoping assembly with a base pole (22), and an adjustment pole (21) made of corrosion resistant material being stainless steel and plastic material (col. 1, lines 14-15). It would have been obvious to one of ordinary skill in the art to make the various parts of Cohen corrosion resistant as taught by Toder'074 to prevent corrosion.

Claims 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacKnight in view of Toder'074. MacKnight disclosed all the claimed features of applicant's invention. Further, MacKnight discloses a hook-like support (L-shape of 75) for supporting a device (seat 39). However, MacKnight does not disclose the various parts of the telescoping assembly is of corrosion resistant material. Toder'074 teaches a telescoping assembly with a base pole (22), and an adjustment pole (21) made of

corrosion resistant material being stainless steel and plastic material (col. 1, lines 14-15). It would have been obvious to one of ordinary skill in the art to make the various parts of MacKnight corrosion resistant as taught by Toder'074 to prevent corrosion.

Allowable Subject Matter

Claims 1-8 have been allowed.

Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

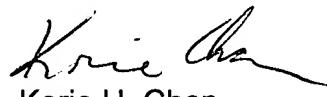
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Les Braun can be reached on 703-308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Korie H. Chan
Primary Examiner
Art Unit 3632

khc
November 4, 2002